

Building, Maintaining, & Repairing Local Historic Preservation Programs



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2008 California Preservation Conference

Napa, California

April 25, 2008

Is this Happening in Your Community?



Inappropriate alterations to buildings?

Is this
Happening in
Your
Community?

Clutter in the
streetscapes?



Is this Happening in Your Community?



Have you ever had the experience of driving down a road and realizing that what once was a farm. . .

had turned into a strip mall?



Is this Happening in your Community?

Construction of out-of-character houses and businesses?



Is this Happening in your Community?

Elk Grove, California

- Established in 1850

- Hotel/stage stop, railroad depot, agricultural economy



Is this Happening in your Community?

Elk Grove, California

- 1970 - 2,000
- 1980 - 10,000 people
- 1990 - 16,000 people
- Incorporated in 2000
- Fastest growing mid-sized city in America in 2005
- 136,318 people today



Preservation Mandate - Growth (into agricultural areas), active historical society, old town foundation



Values of Historic Preservation

- Economic
- Aesthetic
- Social -
Quality of Life



Economic Values



- Heritage Tourism
- Rehabilitation & Adaptive Reuse
- Resource conservation
- Property Values
- Revitalized downtowns
- Incubate locally-owned small businesses
- Sustainable communities



Aesthetic Values



vs

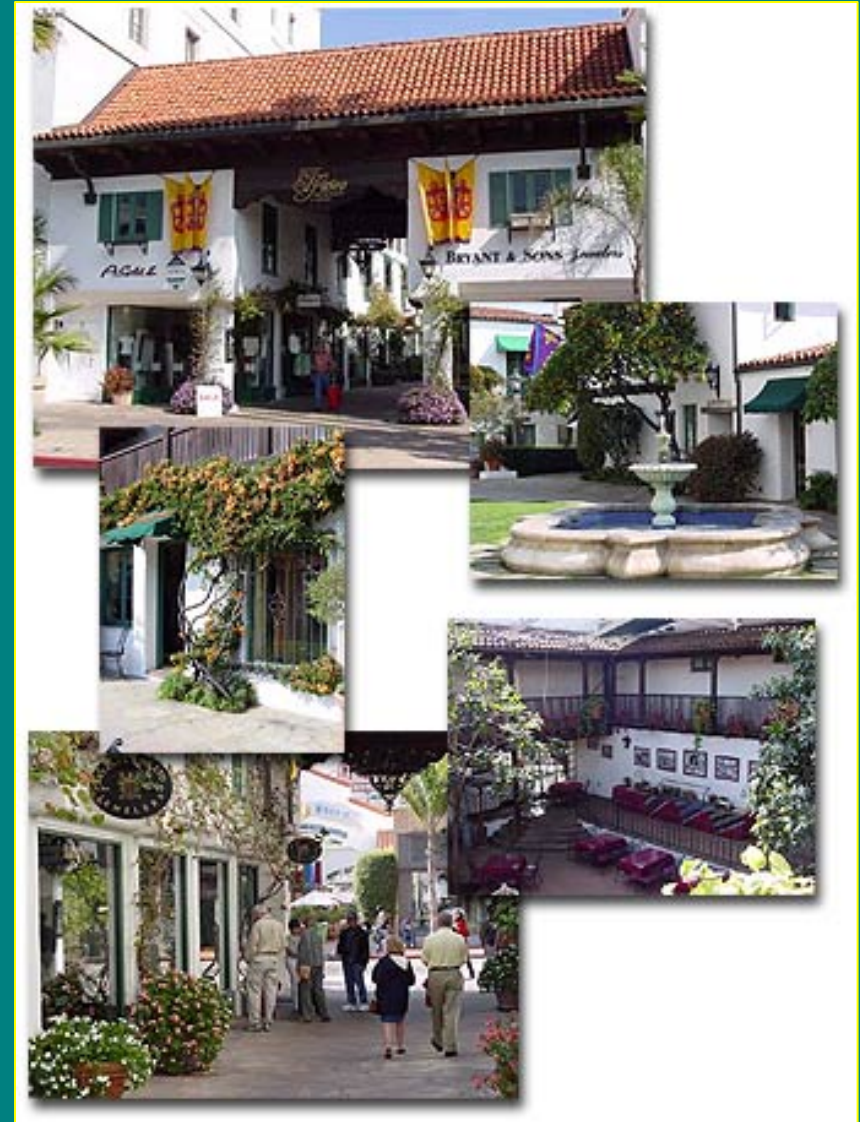


- Community character vs. Generic
- Promotes sense of time and place
- Connects the Past with the Present
- Connects people of today with those who have come before

Social Values

Preservation Promotes

- Mixed use neighborhoods
- Pedestrian orientation
- Sense of community
- Decreased crime rates in historic districts
- Preserve open space
- Save agricultural lands



El Paseo, Santa Barbara

Early Preservation Efforts



Sutter's Fort

Changing Approaches to Preservation

- City of Charleston, "Old and Historic District," 1931
 - No changes could be made to exterior architectural features that were subject to view from a public street or way.



Recent Preservation Direction



Commercial Districts
and Main Streets
(Grass Valley)

Recent Preservation Direction



2002



Elk Grove

early 20th century

Residential **Neighborhoods**



More Changes in Preservation Direction



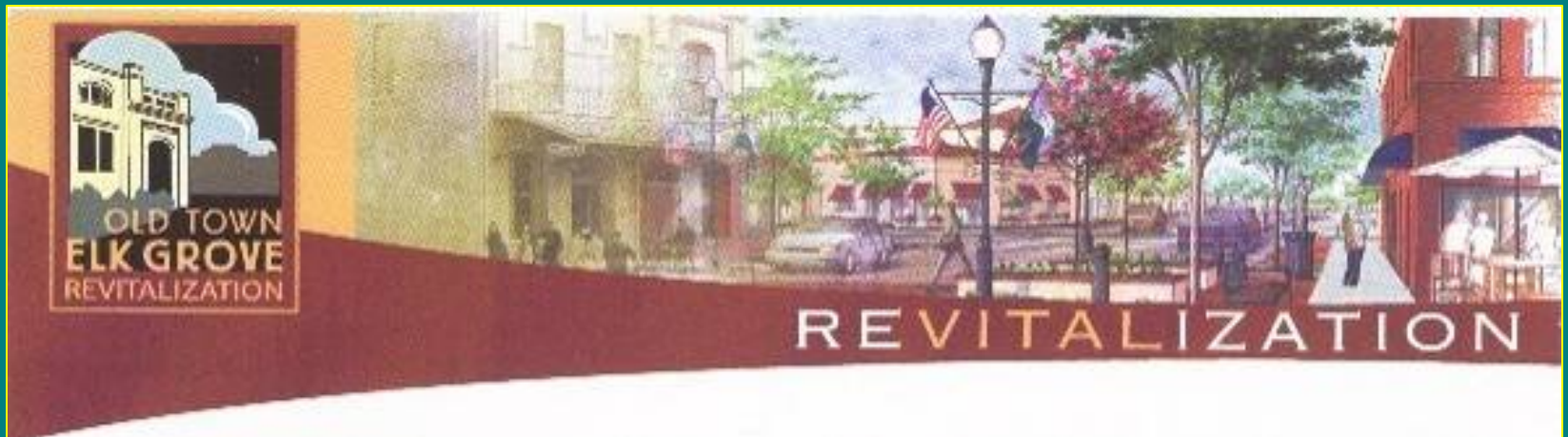
San Francisco City Hall

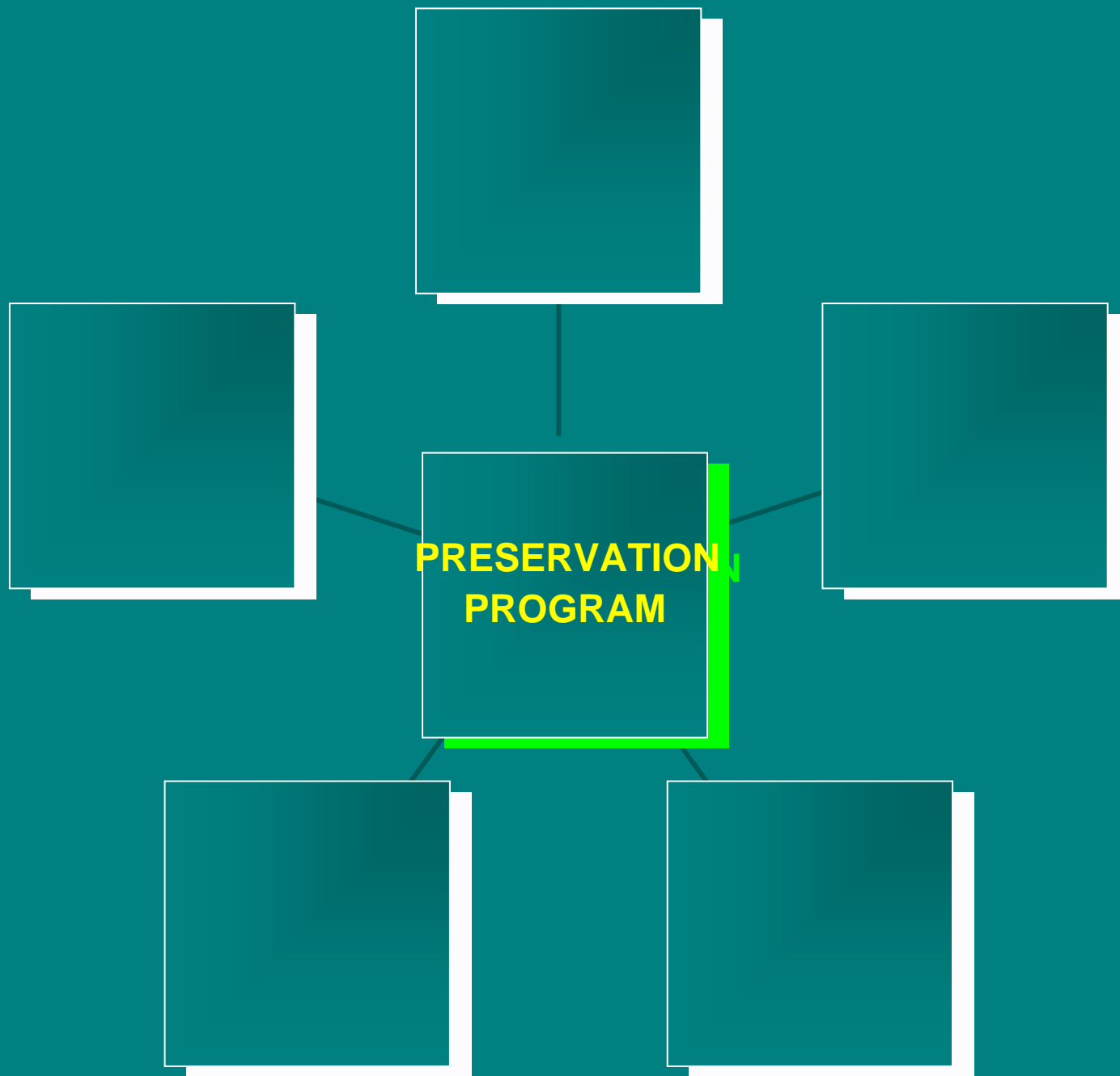
- Shift of program responsibility from historical societies and museums to local government
- Historical societies & other organizations remain strong & important advocates



More Changes in Preservation Direction

- Tied to land use planning
- Integration of historic preservation into city and county planning departments





Building a Comprehensive Preservation Program



- Historic Preservation Element
- Ordinance
- Regulatory Coordination
- Contexts and Surveys
- Economic Benefits & Incentives
- Education, Technical Assistance & Outreach Programs

Building a Comprehensive Preservation Program

Elk Grove, California

Progression

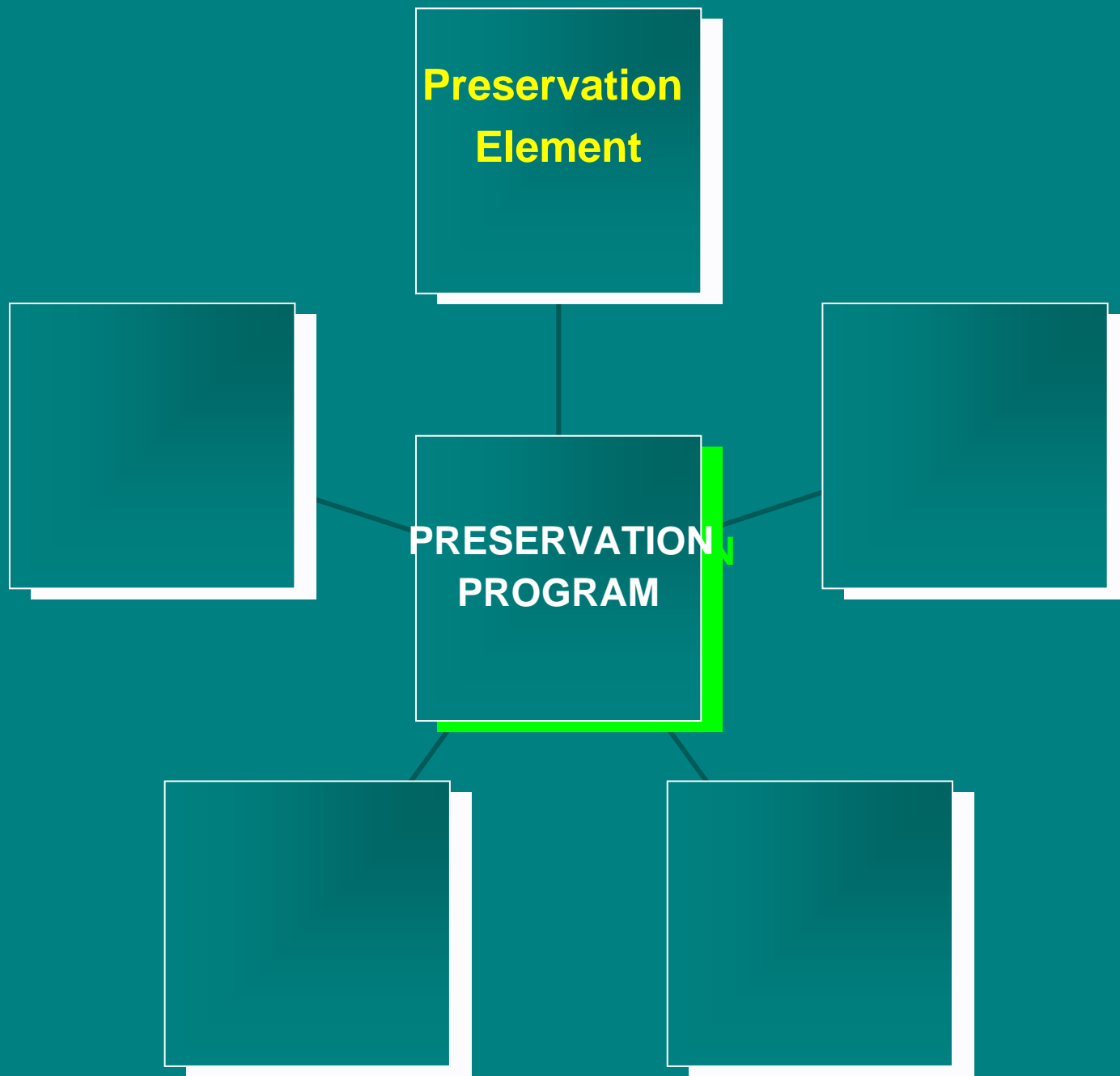
Accomplishment

- 1962 - four ladies begin historical society
- 1960s and 1970s - schoolteacher assigns local history projects and publishes results
- 1977 - 19th century school preserved
- 1979 - Old Town foundation formed
- 1988 - Old Town survey → NR district
- 1991 - Old Town Special Planning Area (conservation district) formed
- 2003 - GP Historic Resources Element
- 2006 - Designated Preserve America Comm
- 2007 - Hist Pres Ord & Incentives

Category

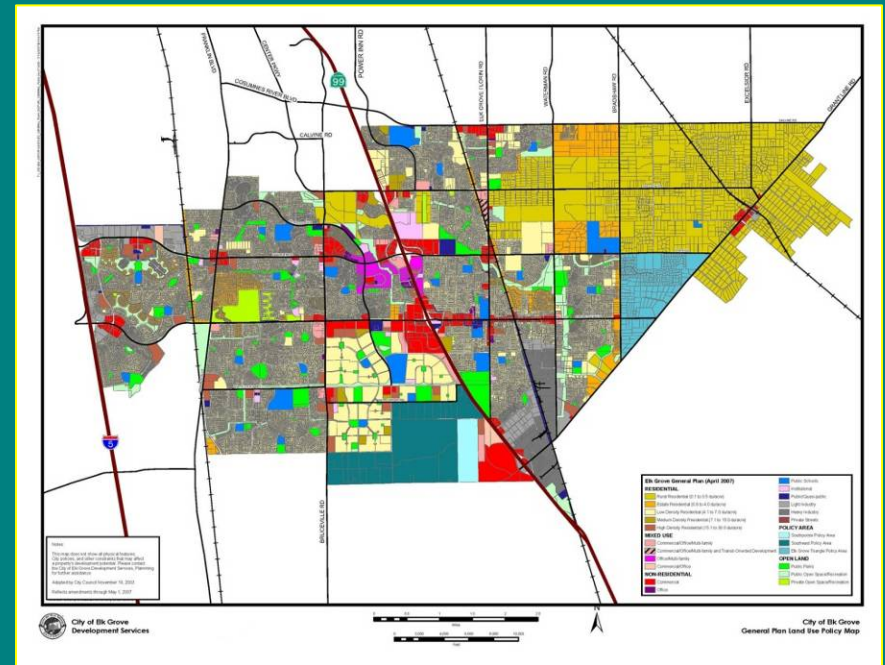
- Education, Technical Assistance & Outreach Programs
- Surveys and Contexts
- Ordinance/Regulations Guidelines
- Hist Pres Element
- Econ Benefits & Incent





✓ Historic Preservation Element of the General Plan

- General Plans represent the only formal, unified overview of the quality of life in a community
- General Plans are the place to link historic preservation into land use planning
- Constitutional analogy



Elk Grove General Plan Land Use Map



Historic Preservation Element

Elk Grove

Goal/Policy/Action

Goal

- Preservation and enhancement of Elk Grove's historic structures and districts

Policy

- Encourage the preservation and enhancement of existing historical and archaeological resources in the City

Actions

- Adopt a Historic Preservation Ordinance
- Establish a Historic Preservation Committee
- Develop and update a comprehensive historic resource inventory

Flexibility - State law stipulates no more than four general plan amendments per year



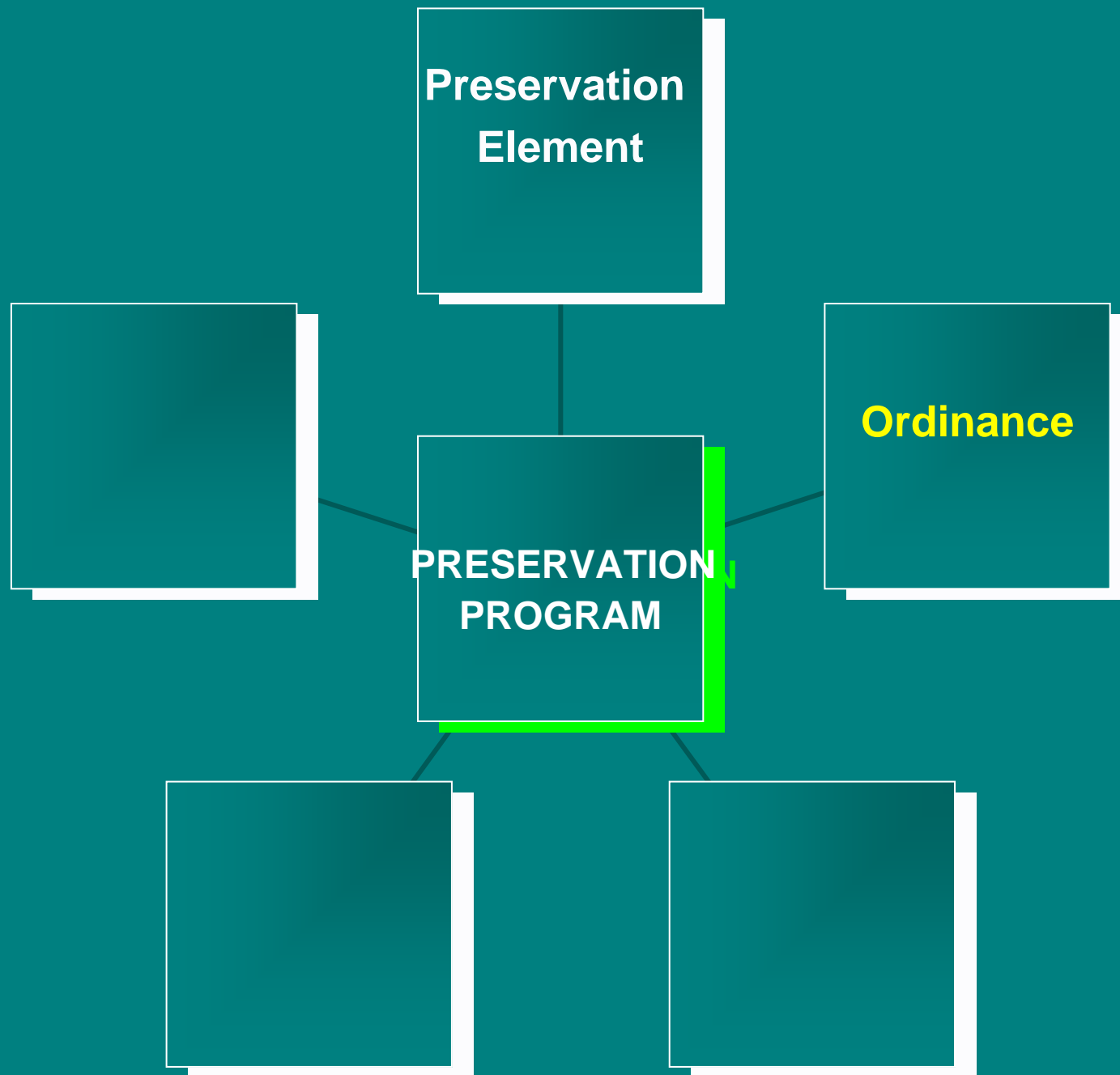
Historic Preservation Element

Link historic preservation to other goals and policies

- Redlands [affordable housing]
 - Coordinate preservation of historical resources with policies designed to preserve affordable housing
- Napa [transportation]
 - When planning transportation route, the city shall seek routes and improvements that recognize and protect historic neighborhoods

For more information about General Plans and Historic Preservation Elements:

- State of California, Governor's Office of Planning & Research, *General Plan Guidelines*, Chapter 6: Optional Elements (2003),
http://www.opr.ca.gov/planning/publications/General_Plan_Guidelines_2003.pdf
- State of California, Governor's Office of Planning & Research, *General Plan Guidelines Update*,
<http://www.opr.ca.gov/index.php?a=planning/gpg.html>





Adopting a Preservation Ordinance

“The preservation ordinance is nothing more than local legislation enacted to protect buildings and neighborhoods from destruction or insensitive rehabilitation...”

Pratt Cassity, *Maintaining Community Character: How to Establish a Local Historic District*, NTHP, 2002



Strengths of Local Listing

- *"The primary strength of a local designation is that it can be tailored to specific community needs and provides greater protection for local resources."*
 - CITY OF PRESCOTT, ARIZONA, MASTER PLAN, 1997



Things to Think About!

The ordinance should fit your community

- What is the purpose of the ordinance?
- What resources should be protected?
- How best to protect them?
- How will ordinance be administered and enforced?



Enabling Authority



- **California Constitution:** “Police power” of local governments to protect the health, safety and welfare of citizens
- **California Statutes:** California Government Code Sections 25373(b) for counties and 37361(b) for cities
- **Courts:** U.S. Supreme Court – Penn Central Transportation v. New York City

KEY ELEMENTS

- Purpose
- Enabling Authority
- Preservation Commission
- Designation Procedures & Criteria
- Actions subject to Review
- Economic Effects
- Incentives



- Enforcement
- Appeals
- Definitions
- Severability



Establishment of the Preservation Commission



- Who administers and enforces preservation ordinance?
- Composition of Commission
 - Who appoints?
 - Term?
 - Professional qualifications?

Establishment of the Preservation Commission

Scope of Powers

- Maintain local inventory
- Designation
- Review and Comment
- Make recommendations
- Incentives
- Public education
- Relationship with Planning Commission, City Council, and other agencies



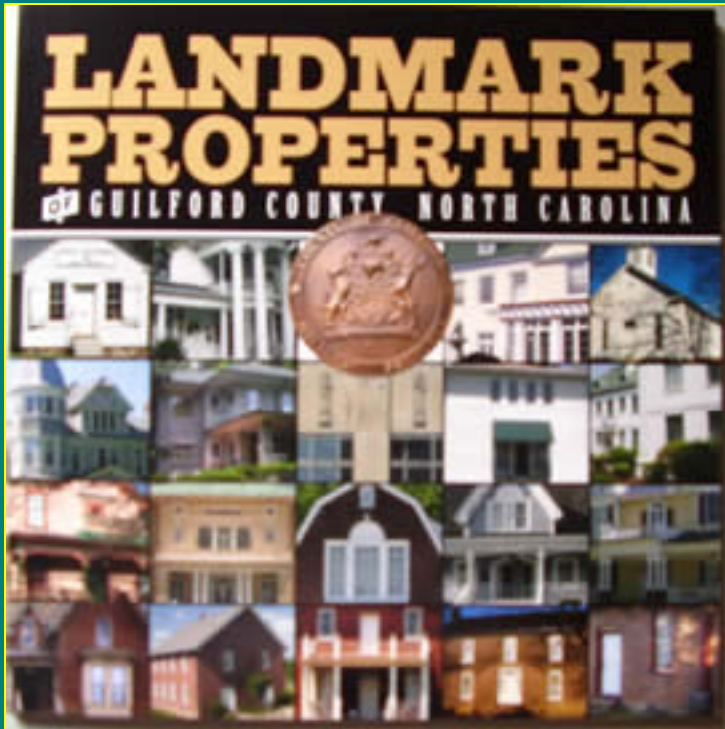
Establishment of the Preservation Commission Elk Grove Authority

Potent Powers for the Recommending Body

- HPC formally adopts surveys/evaluations & historic (protected) resources include properties eligible for designation
- Staff approves minor alterations & HPC determines what is minor
- HPC reviews and comments on CEQA & Section 106 documents
- HPC orchestrates public information, educational and interpretive programs, newsletters, and appropriate literature pertaining to all types of historic resources
- HPC required to attain & maintain CLG status



Historical Resources Criteria



- Provide clear criteria standards
- Define key terms
- Use local criteria that match National Register and California Register to facilitate CEQA/Section 106 reviews
- Think in terms of historic zoning



Designation Criteria

Elk Grove

Distinctions

- Use NR & CR criteria & accompanying published, proven professional guidance
- Define other eligibility criteria carefully, distinguish them from the NR & CR criteria
- Use two tiered landmark system
 - Distinguish benefits
 - Staff level (expedited) review for lower level
 - No incentives for lower level
 - Distinguish criteria



Designation Criteria

Elk Grove

Distinctions

- Elk Grove Landmark Criteria:
 - NRHP/CRHR Criteria A,B,C,D
 - Additional Criteria
 - Possesses all seven aspects of integrity and embodies an important aspect of history which is not significant enough to merit consideration under other criteria; or
 - Possesses outstanding historical significance and would meet one of the other criteria if the resource possessed integrity.
- Elk Grove Heritage Resources:
 - NRHP/CRHR Criteria A,B,C,D but "noteworthy" instead of "significant/important"

Upper Tier

Lower Tier



Designating Historical Resources

Procedures - Notice & Hearings

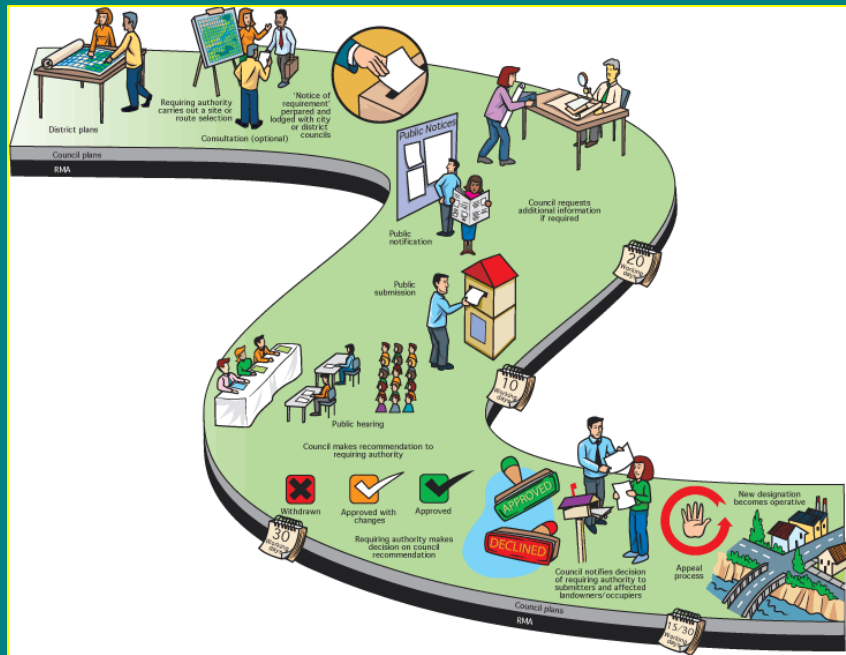
- Notice to owner and interested parties
- Public hearing
- Written findings
- Owner consent/objection may unlawfully delegate local government authority



Actions Subject to Review Procedures & Criteria

Appropriate Level & Amount of Review

- Demolitions
 - Deny ?
 - Delay ?
- Alterations
 - Deny ?
 - Delay ?
- New construction in historic areas
 - Deny ?
 - Delay ?



Actions Subject to Review

Adopt Appropriate Review Standards

- Standards need to be
 - Defined
 - Reflect local preservation goals
 - Provide for due process
 - Efficient
 - Fair
 - Limit administrative discretion
 - Result in predictable decisions



Actions Subject to Review

Elk Grove

Timing

- Committee meets 4x/yr or as necessary to process applications
- Committee is recommending body
- Ten day noticing requirement & publication in paper for HPC
- 7 or 14 day noticing requirement for special planning area (conservation district)
- Owners may object to designation, but they cannot object to eligibility. Eligible properties are historic (protected) resources but only designated properties obtain incentives



Archaeological Resources and Traditional Cultural Properties

Elk Grove

Variety

- Special Consideration given to archaeological resources and traditional cultural properties
- City acknowledges their distinct differences
- Consultation beyond SB 18 requirements
 - General Plan condition applied to all projects that ceases construction & requires an archaeologist investigate any found prehistoric, archaeologic, or paleontologic artifact



Enforcement

Primary Goal: Compliance

- Penalties for non-compliance need to outweigh the “benefits”
- Remedies for non-compliance
 - Fines
 - Injunctive relief to stop illegal demolition and enforce ordinance
 - Receiverships & entry onto land to correct
 - Forcing reconstruction
 - Loss of further entitlement





Incentives

- Mills Act
- Encourage federal tax credits
- Apply State Historic Building Code
- Waiver permit fees
- Exceptions to underlying
- zoning standards
- Preservation easements
- Official recognition/Awards
- Parking reductions



For More Information about Incentives

- A directory of local, state, and federal incentives,
http://www.parks.ca.gov/?page_id=24626

Definitions

- Use terms and definitions shared by National Register, California Register, and CEQA to promote better understanding
- Thorough and complete definitions are needed to sustain judicial challenge
 - Difference between alterations and demolitions
 - Types of buildings, structures, signs, or other features



Historic Preservation Ordinance

Elk Grove

Balance

- Mix of legal defensibility, professional rigor, local standards
- Avoids rules that aren't feasible in Elk Grove
- Included input from experts (lawyers, code enforcement, preservation professionals, homeowners, business owners)
- Balances needs of applicant (fees, application timeline, incentives) with needs of public (fees, noticing)
- Regulates all historic resources, not just buildings
- Important program elements mentioned (written into law)



For More Information about Historic Preservation Ordinances

- California Office of Historic Preservation, Technical Assistance Series 14, *Drafting Effective Historic Preservation Ordinances*, revised June 2005, http://www.parks.ca.gov/pages/1069/files/14_hp_or_dinances.pdf
- Samples of local historic preservation ordinances, http://www.parks.ca.gov/?page_id=1243





Regulatory Coordination

- Adopt a historic preservation ordinance and local CEQA procedures/processes that are coordinated.
- Use common definitions.
- Develop local designation criteria that are modeled on the Cal Register/National Register approach.
- Use the Secretary of the Interior's Standards for Rehabilitation.
- Promotes streamlining.

California Environmental Quality Act

- Inform governmental decision makers and the public about the potential significant environmental impacts of proposed activities
- Identify ways environmental damage can be avoided or reduced
- Prevent significant, unavoidable damage to the environment by changing projects
- Disclose to the public why a governmental agency approved the project if significant environmental effects are involved

California Environmental Quality Act

- Every public agency, including local governments and districts, are responsible for complying with CEQA.
- Historical resources are part of the environment
- Effects to historical resources must be determined

CEQA Review - Historic Preservation Ordinance Elk Grove, California Standards

- Use Secretary of the Interior's Standards
 - Historic buildings & cultural landscapes
- Once the Secretary has spoken...
 - Professional advice
 - NRHP Bulletins & Brochures (published, professional, proven)
 - OHP
 - CPF
 - 1 NTHP forum membership covers your jurisdiction's staff & HPC
 - HPC discretion
 - Public input



For More Information About CEQA

- CEQA Guidelines

<http://ceres.ca.gov/ceqa/guidelines>

- General information on OHP website,
http://www.parks.ca.gov/?page_id=21721

- CEQA database

<http://www.ceqanet.ca.gov>



Section 106 of the National Historic Preservation Act

- Consultation process
- Requires federal agencies to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize or mitigate adverse effects.

Section 106 of the National Historic Preservation Act

A representative of a local government that has jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party.



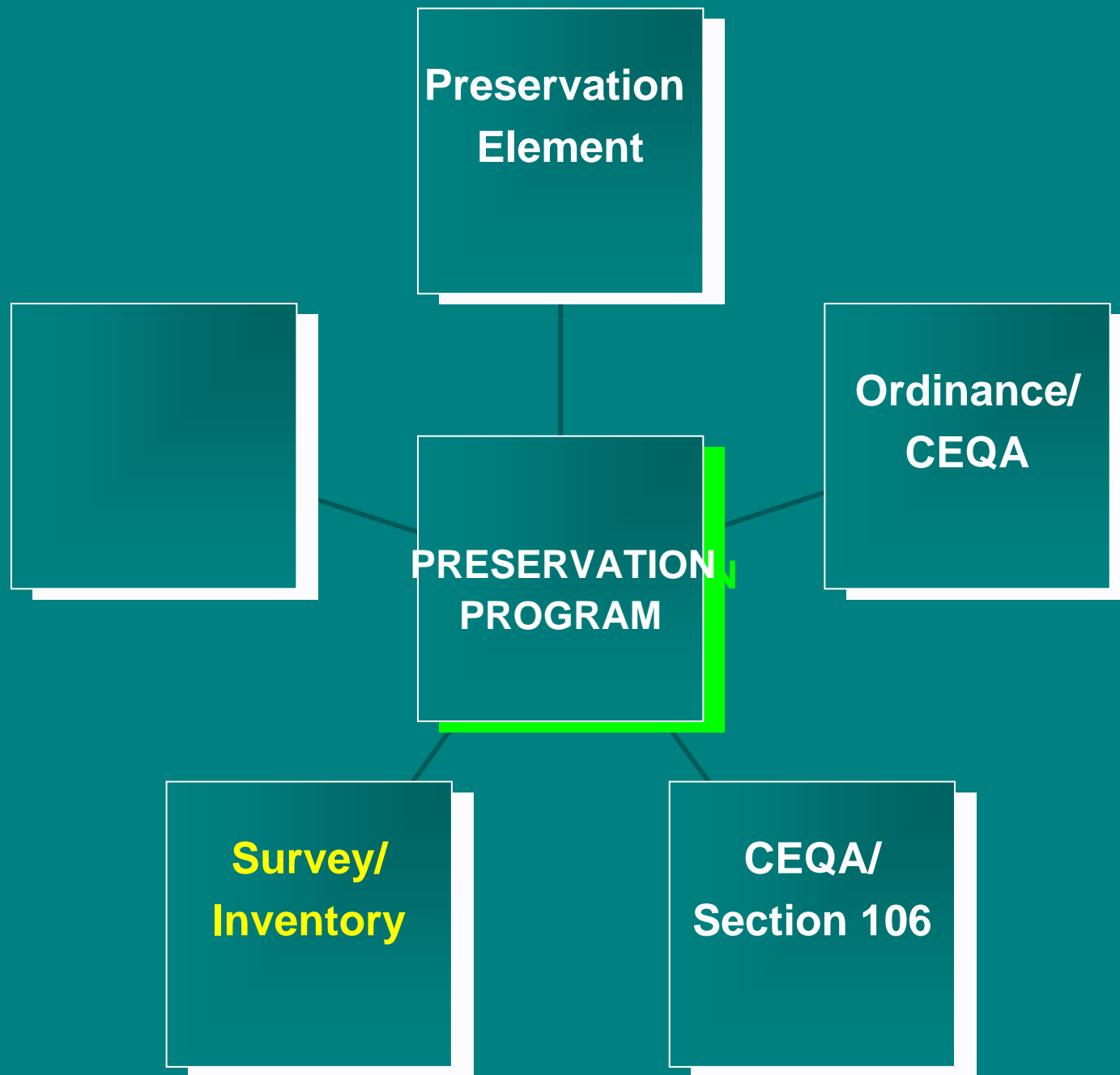
Section 106 of the National Historic Preservation Act



In many cases where projects are funded by HUD (often housing or community development projects), the local government takes over the role of the lead federal agency.

For More Information About Section 106

- Section 106 regulations and guidance,
<http://www.achp.gov/regs-rev04.pdf>





Survey is the **Foundation** upon which preservation planning is built.



Survey/Inventory: A Multi-Purpose Tool



- Data collection
- Provides the information to identify and prioritize preservation goals
- Tells us **where** properties are, **what** they are, and **whether** they are historic properties
- Assists in identification of resources worthy of further recognition or designation
- Offers predictability by alerting ahead of time how properties will be treated in regulatory procedures and code enforcement

Survey/Inventory

Elk Grove

Time, Talent, Technology & Transparency

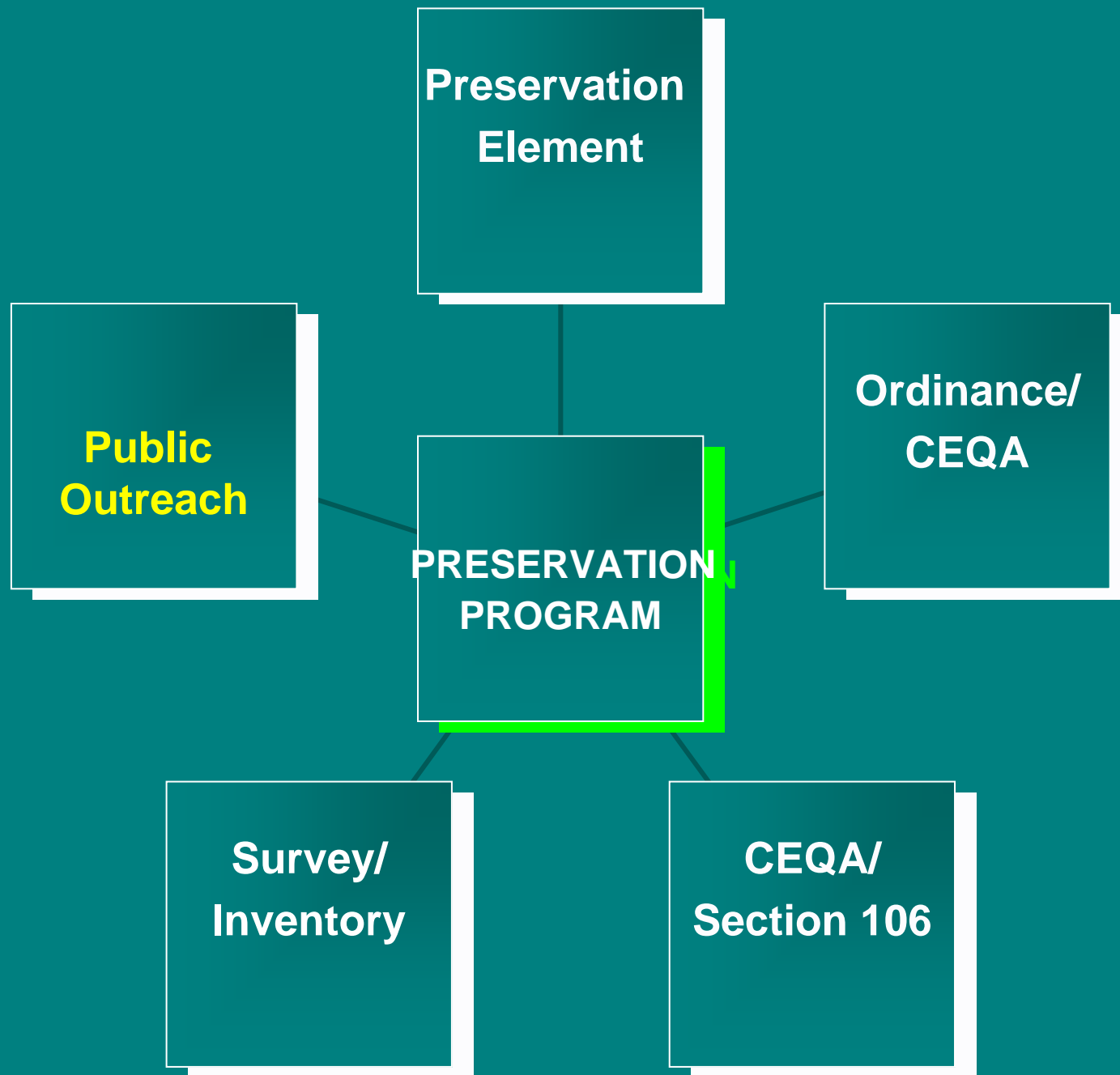
- Schedule regular, focused surveys – a work in progress!
- City staff includes a historian & archaeologist for evaluations & alteration/demolition applications (no historic structure report required)
- Inventory
 - Excel spreadsheet
 - Scanned & paper copy survey forms
 - Map
 - Available online
 - Hoping for state supported CHRID

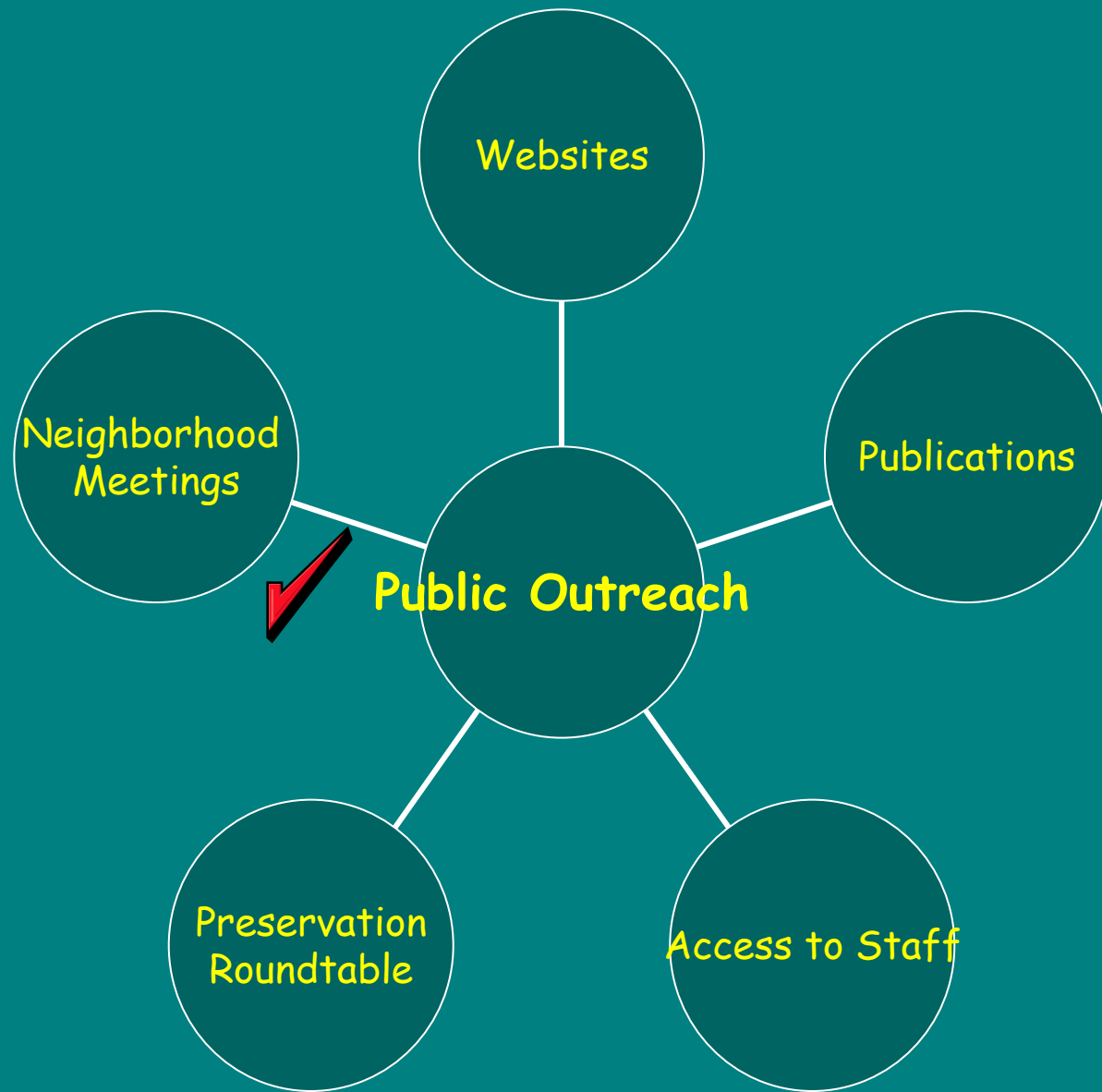


For Additional Information about Surveys

- National Register Bulletin, *Guidelines for Local Surveys: A Basis for Preservation Planning*,
<http://www.nps.gov/history/nr/publications/bulletins/nrb24>
- Archeology & Historic Preservation: Secretary of the Interior's Standards & Guidelines for Preservation Planning, Identification, Evaluation, Registration, & Preservation Terminology,
http://www.nps.gov/history/local-law/arch_stnds_0.htm







The Checklist

- ✓ Preservation Element
- ✓ Preservation Ordinance
- ✓ Commission
- ✓ CEQA Procedures/Section 106
- ✓ Survey/Inventory
- ✓ Incentives
- ✓ Public Outreach



www.ohp.parks.ca.gov

The screenshot shows the homepage of the California Office of Historic Preservation. At the top left is the CA.GOV logo. To its right is the text "Office of Historic Preservation" and "CALIFORNIA STATE PARKS". In the top right corner, there is a search bar with a "GO" button and links for "Skip to: Content | Footer | Accessibility". Below the header is a navigation bar with tabs for "State Parks", "OHP Home", "What's New", "Workshops", "CEQA", "CHRIS", "LEED", "THPO", "Landmarks", and "Newsletter". A secondary navigation bar contains links for "SHPO", "Staff Contacts", "FAQs", "Decisions Pending", "Org Chart", and "Contact Us". The main banner features a historical image of a building, the text "Office of Historic Preservation" in a script font, and the California State Parks logo. To the right of the banner are links for "OHP PUBLICATIONS and DPR", "523 FORMS", "WHAT'S NEW", "UPCOMING TRAINING and WORKSHOPS". Below the banner is a "Programs" section with two columns of links: Architectural Review, Governor's Awards, Local Gov't Assistance, Project Review, California Main Street, Incentives, Preservation Grants, and Registration. At the bottom, the "Office of Historic Preservation" section includes a welcome message and a paragraph about the mission of the OHP and SHRC.

CA.GOV Office of Historic Preservation
CALIFORNIA STATE PARKS

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SHPO | Staff Contacts | FAQs | Decisions Pending | Org Chart | Contact Us

Office of Historic Preservation

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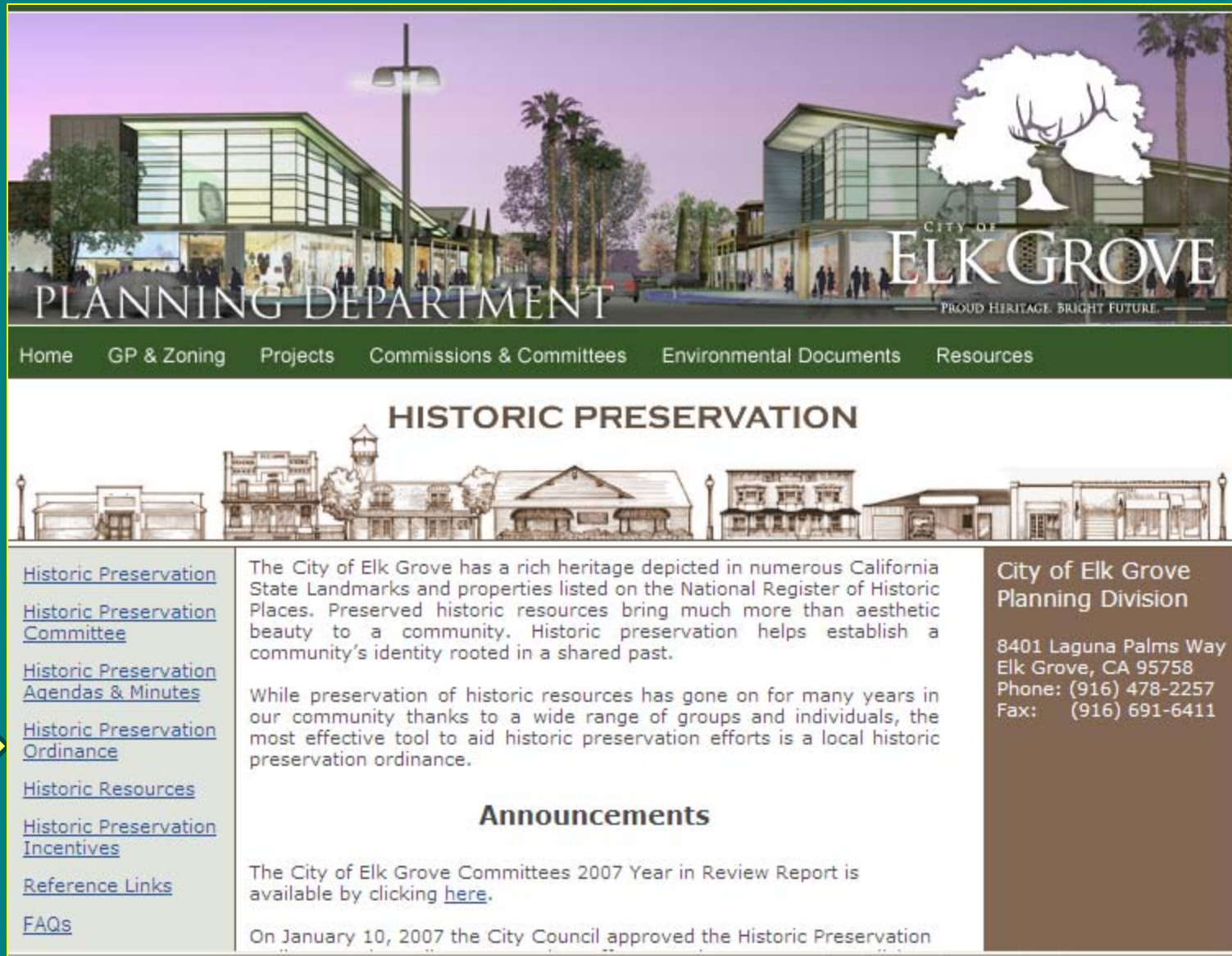
Programs Library SHR Commission Links

- » Architectural Review
- » Governor's Awards
- » Local Gov't Assistance
- » Project Review
- » California Main Street
- » Incentives
- » Preservation Grants
- » Registration

Office of Historic Preservation
Welcome to OHP

The mission of the Office of Historic Preservation (OHP) and the State Historical Resources Commission (SHRC), in partnership with the people of California and governmental agencies, is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that

www.egplanning.org/preservation



PLANNING DEPARTMENT

CITY OF ELK GROVE
PROUD HERITAGE. BRIGHT FUTURE.

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The City of Elk Grove has a rich heritage depicted in numerous California State Landmarks and properties listed on the National Register of Historic Places. Preserved historic resources bring much more than aesthetic beauty to a community. Historic preservation helps establish a community's identity rooted in a shared past.

While preservation of historic resources has gone on for many years in our community thanks to a wide range of groups and individuals, the most effective tool to aid historic preservation efforts is a local historic preservation ordinance.

Announcements

The City of Elk Grove Committees 2007 Year in Review Report is available by clicking [here](#).

On January 10, 2007 the City Council approved the Historic Preservation

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